

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

In re:

GERSHON BARKANY,

Debtor.

Case No. 8-14-72941-las

Chapter 7

Marc A. Pergament, Interim Chapter 7
Trustee of the Estate of Gershon Barkany,

Plaintiff,

versus:

Alan Gerson, et al,

Defendants.

Adversary Proceeding No. 8-15-08244-las

**MOTION TO DISMISS GERSON CROSS-CLAIMS PURSUANT TO
FRCP 12(b)(6) FOR FAILURE TO STATE A CLAIM**

NOW INTO COURT, through undersigned counsel, comes Barkany Asset Recovery & Management LLC (“BARM”), through its undersigned counsel, to move this Honorable Court pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure to dismiss the Cross-Claims filed by Alan Gerson for failure to state a claim upon which relief can be granted. This Motion should be granted for the reasons set forth in the memorandum of law filed October 19, 2015 by BARM in support of its motion to dismiss the identical cross claims filed by Bruce Montague & Partners, Mr. Gerson’s law firm, as well as the Interim Chapter 7 Trustee’s complaint. For the Court’s convenience, a copy of the memorandum of law is annexed hereto as Exhibit “1.”

WHEREFORE, after due proceedings be had, BARM prays that its Motion be granted; that Alan Gerson's Cross-Claims be dismissed with prejudice for failure to state a claim upon which relief can be granted; and for all other just and equitable relief to which BARM may be entitled.

Dated: October 29, 2015

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